

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #9	CCRB Case #: 201803904	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/16/2018 3:03 PM	Location of Incident: West Gun Hill Road and Mosholu Parkway	Precinct: 50	18 Mo. SOL 11/16/2019	EO SOL 11/16/2019	
Date/Time CV Reported Thu, 05/17/2018 12:23 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/17/2018 12:23 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Tara Convery	09337	956544	052 PCT
2. POM Brendan Mcmorrow	12059	953090	052 PCT
3. SGT Jonathan Rivera	02049	949550	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Hugh Mackenzie	00000	925647	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Tara Convery	Abuse: Police Officer Tara Convery stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Brendan Mcmorrow	Abuse: Police Officer Brendan McMorro stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Brendan Mcmorrow	Force: Police Officer Brendan McMorro used physical force against § 87(2)(b)	
D.POM Brendan Mcmorrow	Abuse: Police Officer Brendan McMorro frisked § 87(2)(b)	
E.POF Tara Convery	Abuse: Police Officer Tara Convery took a photograph of § 87(2)(b)	
F.POM Brendan Mcmorrow	Abuse: Police Officer Brendan McMorro searched the vehicle in which § 87(2)(b) was an occupant.	
G.SGT Jonathan Rivera	Abuse: Sergeant Jonathan Rivera searched the vehicle in which § 87(2)(b) was an occupant.	
H.SGT Jonathan Rivera	Abuse: Sergeant Jonathan Rivera took a photograph of § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

Case Summary

On May 17, 2018, § 87(2)(b) filed the following complaint with the CCRB via telephone.

On May 16, 2018, at 3:04 p.m., Police Officer Brendan McMorrow and Police Officer Tara Convery, both of the 52nd Precinct, stopped § 87(2)(b)'s gray 2003 Ford F-350 at West Gun Hill Road and the Mosholou Parkway in the Bronx, because he was suspected of being involved in a bank robbery (**Allegations A and B: Abuse of Authority – vehicle stop, § 87(2)(g)**). Upon asking § 87(2)(b) to exit the car and taking him to the back, PO McMorrow allegedly pulled § 87(2)(b)'s arm up behind his back and pushed him into his vehicle to place him in handcuffs (**Allegation C: Force – physical force, § 87(2)(g)**). After placing § 87(2)(b) in handcuffs, PO McMorrow frisked § 87(2)(b) (**Allegation D: Abuse of Authority – frisk, § 87(2)(g)**).

While outside of the vehicle, PO Convery allegedly took photos of § 87(2)(b) and his identification card (**Allegation E: Abuse of Authority – photography, § 87(2)(g)**).

Additional officers, including Sergeant Jonathan Rivera responded to the incident location. PO McMorrow and Sergeant Rivera then searched the front cabin of § 87(2)(b)'s truck (**Allegation F and G: Abuse of Authority – vehicle search, § 87(2)(g)**).

Near the end of the interaction, Sgt. Rivera approached § 87(2)(b) and allegedly took a photo of him (**Allegation H: Abuse of Authority – photography, § 87(2)(g)**). § 87(2)(b) was released after approximately 30 minutes.

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) was not issued any summonses or arrested in relation to this incident.

Video footage was not obtained in relation to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Tara Convery stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Brendan McMorrow stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that § 87(2)(b) was operating a gray Ford pickup truck on the incident date. It is also undisputed that PO McMorrow and PO Convery stopped § 87(2)(b)'s vehicle in relation to two bank robberies that occurred that day.

§ 87(2)(b) was a light skinned Middle Eastern male (**Board Review 11**).

During his sworn statement, § 87(2)(b) stated that he was operating a 2003 gray Ford F-350, registered to his employer, § 87(2)(b) in the Bronx (**Board Review 01**). The pick-up truck operated by § 87(2)(b) was charcoal-gray (**Board Review 13**). While driving in the right lane on the Moshoulou Parkway, he noticed a marked police SUV driving behind him in the left lane with its turret lights on. As it got closer, the vehicle pulled behind § 87(2)(b). Shortly after, PO McMorrow instructed him to pull over via the vehicle's loud speaker.

§ 87(2)(b) additionally stated that during the stop, he learned that the officers believed his vehicle matched that of a suspect who committed two bank robberies just before and that the suspect was a young Hispanic male. While speaking with PO McMorrow, he was told that the

vehicle the officers were looking for was black and he pointed out to PO McMorrow that his truck was gray.

In his CCRB interview, PO McMorrow stated that on the incident date he and PO Convery heard two radio transmissions in regard to two different bank robberies, within the 48th and 52nd Precincts respectively, approximately 15 to 20 minutes apart (**Board Review 02**). PO McMorrow learned that a gray or silver Ford F150, believed to be associated with both robberies, was seen going north on Jerome Avenue in the Bronx. It was also communicated that the suspect was a male and was seen wearing a white trench coat, possibly a medical coat. He did not recall if there was any physical description provided of the suspect or if information in regard to a weapon was provided. He did not recall if there was a partial or full license plate provided with the radio run. After receiving the radio runs, the officers began to canvass the general vicinity of the Saw Mill River Parkway for vehicles that fit the description.

An unknown amount of time later, PO McMorrow was on West Gun Hill Road when he observed a “gray to silver” Ford F-150 traveling north on the Mosholou Parkway. After first observing the vehicle, PO McMorrow asked dispatch to repeat the description, the radio dispatcher did so, and he pulled out onto the Mosholou Parkway to trail the vehicle. While trailing the vehicle, PO McMorrow did not see a white coat, but he was able to see that the operator was a male. He was only able to see the head of the occupant because the truck was lifted higher than the officers’ marked SUV. After confirming the operator of the vehicle was a male, PO McMorrow engaged his vehicle’s turret lights and pulled the vehicle over. He was not able to estimate how far he trailed the vehicle, but stated he was still able to see West Gun Hill Road. The driver, § 87(2)(b) immediately pulled over.

PO McMorrow did not recall if he took any additional steps to confirm whether or not the vehicle was associated with the bank robberies. After engaging his turret lights, he asked PO Convery to put the stop and the basis of the stop over division radio, which she did. After confirming that additional units were on their way, the officers exited and approached § 87(2)(b) vehicle.

PO Convery § 87(2)(g) she stated that § 87(2)(b) vehicle passed the officers’ marked vehicle on West Gun Hill Road and turned onto the Mosholou Parkway (**Board Review 03**). She also stated that the radio run noted the suspect was in possession of a blue surgical mask.

Sgt. Rivera stated that he believed the two robberies that occurred on the incident date were connected, but he did not recall the description of the vehicle or person involved and he did not recall where the two robberies occurred or how far apart in time (**Board Review 09**).

During his CCRB interview, Lieutenant Hugh Mackenzie, the 52nd Precinct special operations lieutenant, stated that he did not hear the radio transmissions for the first robbery, but heard the second (**Board Review 10**). The make, model, and color of the vehicle involved were relayed and the description of a light skinned Hispanic or White male was relayed during the radio transmission for the second robbery. He estimated that PO Convery and PO McMorrow stopped § 87(2)(b) vehicle approximately 15 minutes after the second bank robbery, which he learned about via radio transmission also. He stated that the two robberies were of banks that were “practically across the street from one another” and they occurred close in time.

The radio transmissions related to the bank robbery in the 52nd Precinct and the vehicle stop of § 87(2)(b) vehicle were captured in EVENT number 18051615427 (**Board Review 04**). The EVENT noted that the first bank robbery of a Chase Bank, 470 3rd Avenue in the Bronx, occurred at approximately 2:27 p.m. and the second bank robbery of a Chase Bank, 257 East Fordham

Road in the Bronx, occurred at approximately 2:51 p.m. The suspect was described as either a Hispanic or white male dressed in all black and wearing a blue surgical mask. At 3:01 p.m., it was reported that the suspect was in a silver or gray SUV, possibly a Ford F-150. At approximately 3:03 p.m., PO McMorrow and PO Convery conducted the stop of § 87(2)(b)'s vehicle.

Upon mapping the distance between the location of the second bank robbery and the location of the vehicle stop in Google Maps on the same day of the week at approximately the same time in the afternoon, the investigation determined that there are 1.9 miles in distance between the two points and that it takes 15 minutes or less to get from the first point to the second (**Board Review 07**). Three routes are provided by Google Maps; the first of which showed a light to medium level of traffic and estimated a travel time of nine minutes, the second showed a medium to heavy level of traffic and estimated a travel time of 13 minutes, and the third showed a medium to heavy level of traffic and estimated a travel time of 15 minutes.

On May 18, 2018, News 12 reported about the second of the two bank robberies that occurred on May 16, 2018 (**Board Review 05**). The report did not explicitly include the first robbery that day; however, it does note that the suspect in the bank on East Fordham Road in the Bronx, was suspected of being involved in six other robberies dating back to December of 2017. No additional relevant information was provided.

People v. Marley, 201 A.D.2d 925 (1994) (**Board Review 06**). Upon observing a vehicle matching the make, model, and color of that involved in a crime, one-half to three-quarters of a mile from the scene of crime, and 15 minutes from the time the crime was committed, officers had reasonable suspicion to stop the vehicle.

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Force: Police Officer Brendan McMorrow used physical force against § 87(2)(b)

It is undisputed that PO McMorrow placed § 87(2)(b) into handcuffs after taking him out of the vehicle. It is also undisputed that while PO McMorrow was placing § 87(2)(b) in handcuffs, there was a physical struggle. Finally, it is undisputed that § 87(2)(b) had an overall compliant demeanor.

§ 87(2)(b) stated after PO McMorrow and PO Convery approached his vehicle, he complied with instructions to turn his engine off and place his hands out of the window; after which, he was escorted out of the vehicle. He was then escorted by PO McMorrow to the back of his pickup truck and he stated to PO McMorrow that he did not do anything wrong, while turning his head over his shoulder to look back. In response, PO McMorrow said, "Just give me your hand." PO McMorrow then grabbed § 87(2)(b)'s right arm, bent it behind his back and pulled up toward § 87(2)(b)'s shoulder, and then forcefully pushed § 87(2)(b) into the back of his truck causing him to sustain a bruise to his right shoulder. PO McMorrow then told § 87(2)(b) to provide his hands

once more and added that the situation would be explained to him after doing so. PO McMorrow placed § 87(2)(b) into handcuffs, placing them on tightly and causing bruising to his wrists.

§ 87(2)(b) further stated that he felt that PO McMorrow thought he was going to resist arrest, but he did not know why as he did not move around (**Board Review 01**).

A photo of § 87(2)(b)'s shoulder was taken on May 18, 2018, at the CCRB (**Board Review 08**). The photo shows a bruise on § 87(2)(b)'s right shoulder, at the front of his torso. The bruising shows a reddish-green discoloration.

Additional photos of § 87(2)(b)'s injuries were taken and submitted in connection with the Notice of Claim filed with the NYC Comptroller's Office (**Board Review 23**).

PO McMorrow stated that while § 87(2)(b) was still in the vehicle, he instructed § 87(2)(b) to show his hands and step out. § 87(2)(b) complied. PO McMorrow then walked § 87(2)(b) to a safe location behind the truck away from oncoming traffic and began to place § 87(2)(b) in handcuffs. As he grabbed underneath § 87(2)(b)'s arm, § 87(2)(b) moved his arm forward. PO McMorrow grabbed his arm once more and explained that if he was not the suspect he would be let go. He did not forcefully pull § 87(2)(b)'s arm behind his back or push § 87(2)(b) into the truck. He did not make any additional physical contact with § 87(2)(b) in anyway, other than the actions he accounted for (**Board Review 02**).

PO Convery stated that PO McMorrow “immediately” placed § 87(2)(b) in handcuffs after he exited the truck and before he walked him to the back of the truck. She did not see PO McMorrow push § 87(2)(b) into the truck. She did not hear § 87(2)(b) complain about sustaining any injuries during the incident (**Board Review 03**).

Sgt. Rivera stated that upon arriving at the location, § 87(2)(b) was in handcuffs. He was never made aware that the officers had an issue with getting § 87(2)(b) into handcuffs. He did not hear § 87(2)(b) say that he was pushed into the truck by any officer or that he sustained an injury to his right shoulder (**Board Review 09**).

Lieutenant Mackenzie stated that he arrived at the location after § 87(2)(b) was placed in handcuffs. He did not speak with § 87(2)(b) or hear § 87(2)(b) allege that he was injured by an officer pushing him into the back of the pickup truck (**Board Review 10**).

The investigation obtained medical records from § 87(2)(b)'s visit to the § 87(2)(b) in the Bronx (**Board Review 24**). § 87(2)(b) complained of pain to his right shoulder and both wrists. He was diagnosed with tenderness to his right shoulder, the records stated that the shoulder may be strained or sprained. The shoulder was wrapped in an ace wrap and he was given a sling. He was instructed to rest the injured shoulder and to seek additional medical treatment.

The investigation also obtained medical records from § 87(2)(b)'s visits to § 87(2)(b), where he was treated by § 87(2)(b) (**Board Review 25**). The first page of the medical records noted that his initial appearance at the clinic was on § 87(2)(b); during which, an examination was conducted to “ascertain his status.” § 87(2)(b) reported to the clinic that, “While working and making deliveries, [he] was pulled out of a truck and... the officer handcuffed [him] and slammed [him] against the truck.” The doctor also noted that § 87(2)(b) appeared at his office on that day with his right arm in a sling and noticeable difficulty “negotiating” the examination bed.

A kinesiological study, a study of body movements, of § 87(2)(b) showed that he could move his right shoulder, right elbow, and right hand when only some resistance was put forth against his efforts to move. The doctor listed those body parts as “weak.”

In his closing comments, § 87(2)(b) wrote that § 87(2)(b)'s injuries were consistent with the actions that he alleged occurred during this police interaction.

Finally, the investigation obtained medical records from § 87(2)(b)'s visits to § 87(2)(b) for physical therapy between § 87(2)(b) (**Board Review 26**). In the notes from the consultation, under "IMPRESSION/RECOMMENDATIONS," the doctor lists that § 87(2)(b) had "internal derangement of the right shoulder." In each of his following appearances to the physical therapist, the diagnosis is listed as a right shoulder sprain injury.

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 221-01 (Board Review 12) In determining whether the use of force is reasonable, members of service should consider the nature and severity of the crime or circumstances, the immediacy of the perceived threat, and whether the subject is attempting to evade by flight, among other factors. The reasonableness of the use of force is based upon the totality of the circumstances, and force is deemed excessive when it is greater than that which a reasonable officer would use in the same circumstances.

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Brendan McMorrow frisked § 87(2)(b)

It is undisputed that PO McMorrow frisked § 87(2)(b) after having placed him in handcuffs. § 87(2)(b) stated that after PO McMorrow placed him in handcuffs, he patted down § 87(2)(b)'s torso, legs, waistband, and pockets (**Board Review 01**).

PO McMorrow stated that after § 87(2)(b) exited the truck, he asked § 87(2)(b) to keep his hands visible, which occurred without incident. As § 87(2)(b) exited and PO McMorrow walked § 87(2)(b) to the back of the truck, PO McMorrow did not make any observations on § 87(2)(b)'s person that lead him to believe § 87(2)(b) had any weapons concealed. After placing § 87(2)(b) in handcuffs, PO McMorrow frisked § 87(2)(b) for "any weapons or bulges," by patting his pockets, the lower part of his torso, and his legs. Through the entire duration of the incident, § 87(2)(b) was with either PO Convery, PO McMorrow, or both (**Board Review 02**).

PO Convery did not see PO McMorrow frisk § 87(2)(b). She also stated that § 87(2)(b) was accompanied by herself or PO McMorrow throughout the incident (**Board Review 03**).

In event number 18051615427 it is noted the bank robber had possible unknown weapons in their possession (**Board Review 04**).

§ 87(2)(g)

People v. Torres, 74 N.Y.2d 224 (1989) (**Board Review 14**). An officer acting on reasonable suspicion that criminality is afoot based on the articulable basis to fear for their own safety may intrude upon the person only to the extent that is necessary to protect themselves from harm.

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Tara Convery took a photograph of

§ 87(2)(b)

Allegation (H) Abuse of Authority: Sergeant Jonathan Rivera took a photograph of § 87(2)(b)

It is undisputed that § 87(2)(b) was stopped on the suspicion of being involved in two bank robberies. It is also undisputed that a limited description of the suspect was available to the officers involved in the stop and subsequent investigation.

§ 87(2)(b) stated that while he was standing at the back of his truck PO Convery, took a photo of him and his license. He was not asked if photos could be taken and he did not give permission for the photos to be taken. § 87(2)(b) believed that PO Convery sent the photos to her supervisor, who she was on the phone with just before taking the photos.

Later, near the conclusion of the interaction, Sgt. Rivera approached § 87(2)(b) and he discretely took a photo of § 87(2)(b) without permission (**Board Review 01**).

PO Convery stated that while standing with § 87(2)(b) at the back of his vehicle, she was not aware if there were any witnesses of the robberies or if there was any physical description. She did not recall if she took any photos of § 87(2)(b) to send to another officer or officers for identification purposes. She never learned of or saw Sgt. Rivera take a photo of § 87(2)(b) at any point (**Board Review 03**).

Sgt. Rivera stated that shortly after he arrived at the location, a unit, which he could not identify, arrived to conduct a “show up.” The show up was negative. There was not a need for Sgt. Rivera or any other officer to take a photo of § 87(2)(b) or his license for identification purposes because a “show up” was conducted, and that fulfilled the need to present him to any potential witnesses (**Board Review 09**).

During his interview, Lieutenant Mackenzie stated that officers from the 52nd Precinct are not instructed to take photos of suspects for identification purposes because it is against NYPD policy and is not a legally sound practice, unless under extenuating circumstances. He did not learn that either PO Convery or Sgt. Rivera took a photos of § 87(2)(b). A “show up” was discussed to solidify § 87(2)(b)s involvement or lack thereof in the robberies, but Lieutenant did not recall a “show up” actually occurring (**Board Review 10**).

PO McMorrow did not see PO Convery or Sgt. Rivera take a photo of § 87(2)(b) during the incident. A “show up” was conducted, but was determined to be negative. He did not recall a

supervisor requesting the officers take photo of § 87(2)(b) to be sent via electronic communication (**Board Review 02**).

§ 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Brendan McMorrow searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (G) Abuse of Authority: Sergeant Jonathan Rivera searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that § 87(2)(b) was coming from Arthur Avenue in the Bronx, when his vehicle was stopped on the incident date. It is also undisputed that the front cabin of § 87(2)(b)'s pickup truck was searched. Finally, it is undisputed that § 87(2)(b) gave PO McMorrow permission to look exclusively into the back bed of the pickup truck to show that he was working at the time and was on his way to deliver meat.

During his CCRB interview, § 87(2)(b) stated that at the time of the vehicle stop he was traveling from § 87(2)(b) in the Bronx. He also stated that after he was placed in handcuffs, PO McMorrow informed him that his vehicle matched a vehicle that had just been involved in two bank robberies. He then told PO McMorrow to open the back of his pickup truck, which had a covering, and see the meat and fish that was packaged and marked for delivery. While standing outside of the truck, § 87(2)(b) heard PO Convery speaking on the phone with, who he believed to be, her supervisor. It appeared to § 87(2)(b) that PO Convery was taking instructions from the supervisor because she took photos of § 87(2)(b) after speaking with the supervisor (see above).

§ 87(2)(b) also stated that after Sgt. Rivera and additional officers arrived, PO McMorrow and Sgt. Rivera went into the back of § 87(2)(b)'s pickup truck and the front cabin of the truck. § 87(2)(b) did not give the officers permission to go into the front of his truck. § 87(2)(b) was not able to see where exactly the officers looked in the front of his truck where he was standing. PO Convery remained with § 87(2)(b) as the officers went into the front of his truck (**Board Review 01**).

PO McMorrow stated that after he walked § 87(2)(b) to the back of his truck, PO Convery went to the front of § 87(2)(b)'s pickup truck and she went inside to look for weapons or evidence that would connect § 87(2)(b) to the bank robberies. He did not ask § 87(2)(b) if she could do so, but he did not recall if PO Convery did so. After she searched the vehicle, PO Convery stated that she found a white butcher's coat, which was consistent with his recollection of what initially came over the radio. Also after PO Convery entered the truck, § 87(2)(b) informed PO McMorrow that he was traveling from Arthur Avenue in the Bronx, which is in the confines of the 48th Precinct near the first robbery; however, he also stated that he had "no problem" with the officers looking in the back of § 87(2)(b)'s truck to see the meat he was transporting.

While standing with § 87(2)(b) at the back of the truck and looking to the trunk of the truck, PO McMorrow did not see anything that lead him to believe § 87(2)(b) was associated with the robberies. The vehicle search was conducted before the show up, to determine whether or not there were additional people in the truck. PO McMorrow did not see any indication at any point that lead him to believe there were additional individuals in the truck. PO McMorrow did not see Sgt. Rivera search the vehicle. (**Board Review 02**).

PO Convery stated that after she put the vehicle stop over the radio, a supervisor, who she could not identify or provide identifying information for, immediately instructed the officers to check § 87(2)(b)'s truck for a "bank bag." PO McMorrow handcuffed and brought § 87(2)(b) to the back of his vehicle; after which, PO McMorrow returned to the front of § 87(2)(b)'s truck and searched inside. She did not know where he searched. While standing with § 87(2)(b) PO Convery was informed by § 87(2)(b) that he was coming from Arthur Avenue in the Bronx, which is located in the confines of the 48th Precinct near the first bank robbery. She could not say if she learned that before or after PO McMorrow searched the vehicle or if he was present for that conversation. She did not inquire any further into § 87(2)(b) coming from that direction. PO Convery did not see Sgt. Rivera search the vehicle (**Board Review 02**).

Sgt. Rivera stated that he did not recall if he instructed PO Convery and PO McMorrow to search § 87(2)(b)'s vehicle prior to arriving at the incident location. Upon arriving, he saw § 87(2)(b) standing with PO Convery and PO McMorrow at the back of the of § 87(2)(b)'s truck. There were no other officers at the scene at that time. When asked if § 87(2)(b)'s vehicle was searched before his arrival at the location, Sgt. Rivera stated that he did not recall. When asked if he searched the vehicle himself, Sgt. Rivera stated that he did not (**Board Review 09**).

Lieutenant Mackenzie stated that he did not respond to PO Convery and PO McMorrow's radio call regarding the vehicle stop. He heard Sgt. Rivera confirm that he was responding to the location; however, he did not hear Sgt. Rivera give any instructions over the division radio. He did not hear any other supervisor go over the radio or see any other supervisor, other than Sgt. Rivera, the incident location. He did not give PO Convery or PO McMorrow instructions to search the vehicle (**Board Review 10**).

EVENT number 18051615427 did not note that a supervising unit went over the division radio and instructed the officers to search § 87(2)(b)'s car (**Board Review 04**).

According to the EVENT Unit Information, Sgt. Rivera and Lieutenant Mackenzie were the only supervisors to respond to the stop of § 87(2)(b)'s truck (**Board Review 20**).

While PO McMorrow said that PO Convery searched § 87(2)(b)'s vehicle, § 87(2)(b) and PO Convery identified PO McMorrow as the officer who searched § 87(2)(b)'s vehicle. § 87(2)(g)

People v. Torres, 74 N.Y.2d 224 (1989) (**Board Review 14**). Absent probable cause, it is unlawful for officers to enter and search a stopped vehicle once the occupants have been removed and frisked without incident because any immediate threat to the officers' safety has been eliminated.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [redacted]
[redacted]
[redacted]
[redacted]
- PO McMorrow has been a member of service for six years and has been a subject in four CCRB complaints and seven allegations, none of which were substantiated. [redacted]
§ 87(2)(g) [redacted] (see officer history).
- PO Convery has been a member of service for four years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g) [redacted] (see officer history).
- Sgt. Rivera has been a member of service for eight years and has been a subject in five CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g) [redacted] (see officer history).

Mediation, Civil and Criminal Histories

- § 87(2)(b) [redacted] declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) [redacted] has no history of convictions in New York City (**Board Review 19**).
- § 87(2)(b) [redacted] filed a Notice of Claim with the City of New York claiming injury to his right shoulder and both wrists, and monetary damages as a result of medical treatment and missed work, seeking “a monetary sum in excess of the jurisdictional limitations” (**Board Review 22**).

Squad No.: 10

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date